

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION - CINCINNATI

|   |   |                            |
|---|---|----------------------------|
| KYLE WRIGHT,                            | : | Case No. 1:19-cv-885       |
|   | : |                            |
| Plaintiff,                              | : | Judge Matthew W. McFarland |
|   | : |                            |
| v.                                      | : |                            |
|   | : |                            |
| GENERAL ENGINE PRODUCTS, LLC, <i>et</i> | : |                            |
| <i>al.</i> ,                            | : |                            |
|   | : |                            |
| Defendant.                              | : |                            |
|   | : |                            |

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ENTRY AND ORDER ADOPTING REPORT AND RECOMMENDATION (Doc. 15)

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This case is before the Court on Defendant's Objection (Doc. 16) and Plaintiff's Objection (Doc. 17) to Magistrate Judge Stephanie K. Bowman's Report and Recommendation (Doc. 15). The Magistrate Judge recommends that Defendants' Motion to Dismiss (Doc. 11) should be granted in part and denied in part. Both parties filed objections (Docs. 16, 17), to which both parties filed responses (Docs. 18, 19), making this matter now ripe for the Court's review.

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has made a de novo review of the record in this case. Upon said review, the Court finds that Defendant's Objection (Doc. 16) and Plaintiff's Objection (Doc. 17) are not well-taken and are accordingly **OVERRULED**. The Court hereby **ADOPTS** the Report and Recommendation (Doc. 15) in its entirety. For the reasons stated above, and for the reasons identified in the Report and Recommendation, it is hereby **ORDERED** that:

1. Defendant's Motion to Dismiss (Doc. 11) is **GRANTED** as to Plaintiff's ADA discrimination and ADA retaliation claims (Counts I and II), wrongful discharge claim (Count III), ERISA claim (Count IV), and intentional infliction of emotional distress claim (Count VII).

2. Defendant's Motion to Dismiss (Doc. 11) is **DENIED** as to Plaintiff's Ohio Rev. Code § 4112 discrimination claim as it relates to the Agreement and plaintiff's leave of absence (Count I), Ohio Rev. Code § 4112 retaliation claim (Count II), and conspiracy claim (Count VI).

**IT IS SO ORDERED.**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO

By:   
JUDGE MATTHEW W. McFARLAND